

AUG 29 2008

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:07cv344

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

4140 HUFFMAN MOUNTAIN ROAD,)

Connelly Springs, Burke County, North)

Carolina, as described in a deed at Deed)

Book 1098, Page 815 in the Public)

Registry of Burke County, North Carolina,)

being real property, together with the)

residences, and all appurtenances,)

improvements, and attachments thereon,)

and being 5.0 acres, more or less,)

Defendant.

CONSENT ORDER:

LIFTING STAY

SETTLEMENT BY SUBSTITUTION OF
PROPERTY

FINAL ORDER OF FORFEITURE

WHEREAS on October 25, 2007, the United States, pursuant to 21 U.S.C. § 881, filed a Complaint for Forfeiture in Rem against the above-captioned defendant property alleging that the defendant real property is proceeds traceable to transactions and exchanges for controlled substances or listed chemicals in violation of Chapter 13, Drug Abuse Prevention and Control, of Title 21 of the United States Code, §§ 801 *et seq.*; and has been used or intended to be used, in any manner or part, to commit, or to facilitate the commission of violations punishable by more than one year's imprisonment of Chapter 13, Drug Abuse Prevention and Control, of Title 21 of the United States Code, §§ 801 *et seq.*; and is therefore subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) and (a)(7) (Document 1);

WHEREAS Darrell D. Laill, owner of record of the defendant property, filed a Claim of Ownerships with counsel on November 9, 2007 (Document 3);

WHEREAS the Court, with the consent of the parties, entered an Order staying the case on November 19, 2007 (Document 6);

WHEREAS the United States, pursuant to Rule G(4) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Title 28, U.S.C. Appendix, properly published Public Notice of its intent to forfeit the property (Document 7);

WHEREAS no other person has filed a claim to the defendant property;

WHEREAS, the United States and the defendant have agreed to substitute the following property for the aforementioned defendant real property: \$50,000.00.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Stay is hereby lifted.
2. The following property is forfeited to the United States:

United States currency in the amount of \$50,000.00.
2. The parties shall bear their own expenses, including attorney fees.

This the 29th day of August, 2008.


LACY H. THORNBURG
UNITED STATES DISTRICT COURT JUDGE

WITH CONSENT:

Darrell D. Laill 8/29/08
Darrell D. Laill, Claimant

William D. McDowall 8/29/08
William D. McDowall
Counsel to Darrell D. Laill

Thomas R. Ascik 8/29/08
Thomas R. Ascik
Assistant United States Attorney